

1. 5. State the names and addresses of all co-conspirators whose names are presently known to the government but who are not named in the indictment.

2. 6. State the names and addresses of all other persons who in any way participated in the alleged conspiracy, and all other persons present at the time or times any of the Defendants or co-conspirators joined the alleged conspiracy.
3. 7. State whether any Defendant or co-conspirator was acting on behalf of the United States at any time during the period of the allegedly conspiracy.
4. 8. State whether any Defendant or co-conspirator has furnished information to either the United States, or to any state or local law enforcement agency, with respect to the alleged conspiracy.

This Motion for a Bill of Particulars is made on the grounds that this information is necessary to inform the Defendant of the charge against him with sufficient particularity to enable him to prepare his defense, to avoid and minimize the danger of surprise at trial, and to enable him to plead his acquittal or conviction in bar of further prosecution for the same offense. Here, since the Government has chosen to plead a common-law conspiracy under 21 U.S.C. §846, and has not alleged any overt acts in the indictment, all the Defendant has before him is a broad, unspecific indictment containing no details whatsoever. Under these circumstances, the filing of a bill of particulars should be required because "...the charges of (the) indictment are so general that they do not advise the Defendant of the specific acts of which he is accused." United States v. Leonelli, 428 F. Supp. 880, 882 (S.D.N.Y. 1977). The indictment here is less specific than the indictment in United States v. Ramirez, 602 F. Supp. 783 (S.D.N.Y. 1985), yet in Ramirez, the court noted, inter alia, that "None of the overt act allegations mentions (the moving party); he is mentioned only as one of ten co-conspirators

charged with violations of 21 U.S.C. §846... This is not enough information for (the Defendant) to prepare a defense.” Ramirez, *supra*, at 793, ordered the Government to file a bill of particulars, closely analogous to the bill of particulars which the Defendant seeks here.

In the present indictment the charges are so general that the Defendant does not know the specific acts that he is accused of. See *United States v. White*, 753 F. Supp. 432 (D. Conn. 1990); *United States v. Facciolo*, 753 F. Supp. 449 (S.D.N.Y. 1990). Counsel for the Defendant has contacted the government pursuant to the Local Rules of Criminal Procedure in an attempt to resolve the issues raised in this motion but has been unable to do so.

For all the foregoing reasons, therefore, the court should order the Government to file a Bill of Particular.

RESPECTFULLY SUBMITTED,

THE
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CERTIFICATION

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